

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Eugene Heighton

v.

Civil Action No. 11-CV-170-JL

Wells Fargo, N.A. a/k/a  
Wachovia Mortgage and  
Wells Fargo Bank

**Order**

This proceeding having come before the Court on April 8, 2010 for hearing on Plaintiff's Motion for Temporary Restraining Order (Doc. No. 2), it is hereby ordered:

JL 4/11/11

The Court finds that Plaintiff is in immediate danger of suffering irreparable harm

through foreclosure of his home at 13 Eastern Ave., Amherst, New Hampshire. *The potential harm is irreparable because it involves the dispossession and loss of the plaintiff's personal residence*

This order was issued with minimal notice, through electronic transmission of the pleadings to Defendants through their foreclosure counsel because of the exigency of the circumstances.

*under the specific circumstances set forth in the motion.*

Defendants Wells Fargo, N.A., a/k/a Wachovia Mortgage and Wells Fargo Bank are enjoined from proceeding with the foreclosure sale scheduled for April 11, 2011.

JL 4/11/11

This order is binding only upon the parties to the action, their officers, agents, servants, employees and attorneys, and upon those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.

This order expires <sup>fourteen (14)</sup> ~~ten (10)~~ days from the date of issuance, unless extended for good cause shown. See F.R.C.P. 65(b)(2) (2009). JL 4/11/11

Hearing on Plaintiff's Petition for Preliminary Injunction shall be scheduled at the earliest

possible time it can be accommodated on the Court's calendar.

On two day's notice to Plaintiff, the adverse party may appear and move the dissolution or modification of this order and in that event the Court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

Entered at Concord, New Hampshire,

Date and Hour of Issuance: *April 11, 2011*

*11:48 am, following telephone conference  
with plaintiffs counsel and defendant's  
foreclosure counsel.*

*JL  
4/11/11*

  
United States District Court Judge